REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 8-15, 23-30 and 32 were withdrawn. Claims 1, 16 and 31 were canceled without prejudice or disclaimer of the subject matter contained therein. Claims 2-7 and 17-22 remain pending under consideration in the present application, of which claims 3-7 and 18-22 are independent.

With appreciation, it is noted that the Office Action indicates (see present Office Action, page 3, item 4) claims 3, 4, 6, 7, 18, 19, 21 and 22 as containing allowable subject matter.

Noted - Priority Document Received By USPTO

The indication (see Office Action Summary of the Office Action dated September 10, 2008, boxes 12(a)(1) as checked) that the certified copy of the priority document has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see attachment to the Office Action dated September 10, 2008) that the Information Disclosure Statements as filed on December 17, 2003 and February 12, 2008 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see Office Action Summary of the Office Action dated September 10, 2008, boxes 10(a) as checked) that the Drawings (submitted on November 15, 2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §103

Claims 2, 5, 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Xiong et al. (NPL document titled, "Automatic video data structuring through shot partitioning and key-frame computing," Xiong hereinafter) in view of Smith et al. (NPL document titled, "Video skimming for quick browsing based on audio and image characterization," Smith hereinafter).

Independent Claim 5

As an example, independent claim 5 recites (among other things):

> an image block validation unit to calculate a mean value <u>and a variance of a gray level of each of two image blocks</u> in the same position in two video frames of the given video frames, and <u>to determine the two image blocks are a valid block pair</u> that has an ability to show a change of image contents <u>if at least one of two variances of the two image blocks is greater than a first threshold, or if the two variances are smaller than the first threshold</u> and an absolute difference of two mean values of the two image blocks is greater than a second threshold.

(<u>Underlining</u> emphasis is added). As will be explained below, at least this feature of claim 5 is a distinction over Xiong, and thus over its combination with Smith.

Xiong merely describes mean values of gray levels without any discussion of <u>a variance of a gray level</u> of each of two image blocks. In particular, page 52, right column, lines 4-7 of Xiong state:

> - Compare the corresponding regions of successive frames by computing the difference D_1 between two regions (we use the <u>mean values of gray levels</u> (or HSV for color video)).
> (Underlining is added for emphasis).

Hence, the noted feature of claim 5, namely "an image block validation unit to calculate a mean value <u>and a variance of a gray level</u> of each of two image blocks in the same position in two video frames of the given video frames, and determining the two image blocks are a valid block pair that has an ability to show a change of image contents if at least one of two variances of the two image blocks is greater than a first threshold, or if the two variances are smaller than the first threshold and

an absolute difference of two mean values of the two image blocks is greater than a
second threshold;" is a distinction over Xiong. The noted feature also is a distinction
over Smith as evidenced, e.g., by the Office Action. That is, the Office Action does
not assert Smith as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the
asserted combination of references teaches or suggests each and every element of
the claimed invention. In view of the distinction of claim 5 noted above, at least one
claimed element is not present in the asserted combination of references. Hence,
the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 5.

Independent Claim 20

As an example, independent claim 20 recites (among other things):

> calculating a mean value and <u>a variance of a gray level of
> each of two image blocks</u> in the same position in two video frames
> of the given video frames, and <u>determining the two image blocks
> are a valid block pair</u> that has an ability to show a change of
> image contents <u>if at least one of two variances of the two image
> blocks is greater than a first threshold, or if the two variances are
> smaller than the first threshold</u> and an absolute difference of two
> mean values of the two image blocks is greater than a second
> threshold.

(<u>Underlined</u> emphasis added). As will be explained below, at least this
feature of claim 20 is a distinction over Xiong, and thus over its
combination with Smith.

Xiong merely describes mean values of gray levels without any discussion of a
variance of a gray level of each of two image blocks. Hence, the noted feature of
claim 20, namely "calculating a mean value <u>and a variance of a gray level</u> of each of
two image blocks in the same position in two video frames of the given video frames,
and determining the two image blocks are a valid block pair that has an ability to
show a change of image contents if at least one of two variances of the two image
blocks is greater than a first threshold, or if the two variances are smaller than the
first threshold and an absolute difference of two mean values of the two image
blocks is greater than a second threshold" (<u>underlined</u> emphasis added) is a

distinction over Xiong. The noted feature also is a distinction over Smith as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Smith as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 20 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 20.

Dependent Claims

Claims 2 and 17 depend from claim 5 and 20, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 2, 5, 17 and 20 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

PATENT

Fujitsu Ref. No.: 02-52606
App. Ser. No.: 10/737,209

Respectfully submitted,

Dated: July 31, 2009

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